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January 20, 2006

VIA FACSIMILE AND FIRST CLASS MAIL

United States District Court
District of Massachusetts
John Joseph Moakley U.S. Courthouse
1 Courthouse Way
Boston, MA 02210

Attn: Judge Alexander

Re: Qwest Communications International, Inc. v. CONQWEST, Inc.
Docket No.: 04-11878-RCL

Dear Judge Alexander:

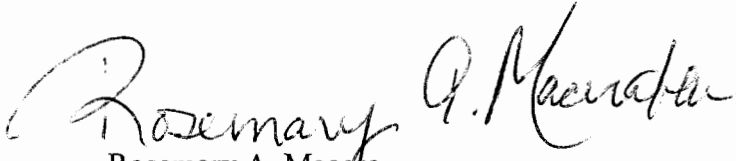
As you know, the parties had requested a mediation session be scheduled which you presided over on October 27, 2005. At that time, even with your diligent efforts, no resolution was achieved and you graciously continued the matter for further mediation on December 9, 2005, which has been subsequently advanced to February 1, 2006. While it was the hope and desire of CONQWEST, Inc. that mediation could be productive, at the present time, there has been no encouragement that the position of the Plaintiff has improved. As a result, CONQWEST, Inc. has been forced to conclude that continued pursuit of settlement through mediation, even with the Court's best efforts and will be futile. Given our perception of the futility of the exercise and our desire not to waste the Court's scarce time and resources, we have informed opposing counsel of our intention to request that you relieve us of the obligation to attend the mediation session on February 1, 2006.

I informed Plaintiff's counsel of this evaluation on January 17, 2006. I had an opportunity to discuss the continued utility of mediation with the Plaintiff's counsel today. Based upon our conversation, which included discussion of a mutually agreeable discovery schedule, the Plaintiff's new counsel, Ms. Harvey indicates that she concurs in my evaluation that the mediation on February 1, 2006 will also be futile in the present state of discovery. As such, she also requests that you relieve the parties of the obligation to attend the mediation session scheduled for February 1, 2006.

At present, it appears to be the consensus that the parties will be better served by engaging in discovery in preparation for trial based upon the positions last reflected in the

October session. On behalf of both parties, I want to thank you for your time, effort and concern. Please let me know if there is anything further which the Court should require with regard to the matter.

Very truly yours,


Rosemary A. Maceo

Cc: Heidi E. Harvey- ELECTRONIC COPY ONLY
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